THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETTION NO.18371 OF 2006

BETWEEN:

Tulimelli Subba Rao son of Gangaiah and others.

…Petitioners

vs.

The District Collector, Krishna District and others.

..Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETTION NO.18371 OF 2006

ORAL ORDER

The writ petition is directed against the notification issued by the 1st respondent bearing reference No.RC.G2/3676 dated.19-08-2006 published in a Telugu daily on 23-08-2006 proposing acquisition of petitioners' lands in Vijayawada Rural Mandal, Krishna District for the purpose of establishing a sewage treatment plant. The enquiry under Sec.5-A of the Land Acquisition Act,1894 (for short "the Act") has not been dispensed with while issuing the notice under Sec.4(1) of the Act. In the circumstances the objections of the petitioners to the acquisition process urged in this writ petition ought not to be adjudicated under Article.226 of the Constitution.

The petitioners are at liberty to lodge their objections at the enquiry under Sec.5-A of the Act. When such objections are lodged the respondents are obligated statutorily and on established principles of administrative law to consider the objections and pass reasoned orders. The competent authority i.e., the State Government or such competent delegated authority as is empowered in this behalf shall communicate the decision on the petitioners' objections to the petitioners by registered post with acknowledgment due. Till such communication of the decision, pursuant to the enquiry under Sec.5-A of the Act, the petitioners shall not be dispossessed. After receipt of the decision the petitioners are at liberty to pursue their remedies if any grievance subsists.

The writ petition is disposed of as above at the stage of

admission, after hearing the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition. There shall however be no order as to costs.

GODA RAGHURAM,J

1st NOVEMBER 2006
***TSNR**